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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,043	08/21/2001	Shigeaki Namba	ASA-1021	5713
24956	7590	11/15/2004	EXAMINER	
MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/933,043	NAMBA, SHIGEAKI
	Examiner Igor Borissov	Art Unit 3629 <i>MW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received on 08/04/2004 is acknowledged and entered. Claims 1-11 have been amended. Claims 1-11 are currently pending in the application.

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-7 and 9-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Weiss (US 6,681,156).

Weiss teaches a method and system for planning energy supply and interface to an energy management system, comprising:

Claim 1. Interconnecting over the Internet an energy supplier system (enterprise) with energy consuming system (demander) for negotiating an energy supply specification (column 3, lines 54-64); presenting, from said enterprise, during contract negotiation, information on energy related variables including pricing data of energy services over a certain time period (column 12, lines 21-45); receiving, by said enterprise, a load pattern set by said demander for each desired one of said periods according to the information (column 14, lines 56-61); determining and presenting by said enterprise information of charge for said load pattern to said demander (column 15,

Art Unit: 3629

lines 50-55); wherein said negotiating for energy supply further including: presenting said energy-related information by the demander for a contract (fixed) period (column 12, lines 21-45); determining, by said enterprise, a load pattern history (column 18, lines 62-63); presenting, from said enterprise to said demander, a setting period and a unit price of charge for a fixed period in future in which power generating facilities under control of said enterprise have capacity margin in power generation and supply (column 18, line 62 – column 19, line 8).

Weiss does not specifically teach, that said demander modifies (resets) the load pattern based upon said presented, by the enterprise, information including capacity margin in power generation and supply.

However, Weiss does teach that said contract negotiation between the demander and the power enterprise includes: receiving a *modification* of energy specification from the demander upon receiving an energy proposal from the enterprise (column 12, lines 49-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include that said demander modifies (resets) the load pattern based upon said presented, by the enterprise, information including capacity margin in power generation and supply, because it would advantageously allow the demander and the enterprise to modify the contract for energy supply to achieve the supply of “most economic” power quantity under given circumstances, as specifically stated in Weiss (column 14, lines 48-53).

Claim 2. Presenting a load pattern history, presenting current demand, and presenting information of charge for said load pattern modified and set to said demander (column 18, lines 50-63; column 19, lines 17-20).

Claim 3. Tailoring, by said enterprise, energy-related information, including load pattern, delivery and price to be set at according to the pattern modified as above, and supplying, to said demander, said tailored energy-related information (column 19, lines 17-20).

Claim 4. Presenting said energy-related information by the demander to said enterprise prior contract date (column 12, lines 21-45).

Claim 6. Presenting, from said enterprise to said demander, a setting period and a unit price of charge for a fixed period in future in which power generating facilities under control of said enterprise have capacity margin in power generation and supply capacities (column 18, lines 50-63).

Claim 7. Receiving, by said enterprise, a combination pattern, said combination pattern being produced by said demander by combining said load pattern set and determine a certain percentage of deviation (an overload and an underload) without violating contract issues (column 18, lines 25-30, 53-57).

Claim 9. See claim 2.

Claim 10. Negotiating a power supply to one or more of energy consumers (column 8, lines 29-30).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Roos (US 5,699,276).

Claim 5. Weiss teaches all the limitations of **claim 5**, including using a computer for calculating a charge price per unit of power, except that said enterprise of distributed power supply delivers charge calculation software to a power demander.

Roos teaches a utility meter interface method and system, wherein a utility company provides a user (demonstrator) with software for a personal computer over a network (column 7, lines 33-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include that said enterprise of distributed power

Art Unit: 3629

supply delivers charge calculation software to the demander, as disclosed in Roos, because it would advantageously freed the customer from going to a store to purchase said software, thereby improving customer service.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Kelley et al. (US 6,088,659) (Kelley).

Claim 8. Weiss teaches all the limitations of **claim 8**, including that energy-related information is exchanged in a secure network environment (column 2, lines 21-24), except specifically teaching that said secure environment includes authentication of said demander.

Kelly teaches a method and system for planning energy supply, wherein a Security Service is employed for authenticating the identities of users (column 14, lines 39-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include authenticating the identities of users, as discloses in Kelley, because it would advantageously enhance the security of the system.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Keturakis et al. (US 5,057,767) (Keturakis).

Claim 11. Weiss teaches all the limitations of **claim 11**, except for optically and externally detecting contents of display of the energy meter.

Keturakis teaches a method and system for an optical communication link assembly for an energy meter, which is used to obtain energy meter reading optically and externally (column 2, lines 3-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include obtaining energy meter reading optically

Art Unit: 3629

and externally, as disclosed in Keturakis, because it would advantageously allow to keep the existing equipment, thereby save funds.

Response to Arguments

Applicant's arguments filed 8/04/2004 have been fully considered but they are not persuasive.

The Applicant argues that the prior art does not teach: *accumulating by the enterprise a load pattern; calculating a margin of the power based upon a power supply capacity of the enterprise and said load pattern; presenting the price for power according to said margin; and resetting by the demander the load pattern having been set by said demander before, based upon said price for power information.*

In response to this argument, the examiner points out that Weiss teaches the method for planning energy supply, including: determining, by said enterprise, a load pattern history (C. 18, L. 62-63); presenting, from said enterprise to said demander, a setting period and a unit price of charge for a fixed period in future in which power generating facilities under control of said enterprise have capacity margin in power generation and supply (C. 18, L. 62 – C. 19, L 8); and modifying of energy specification from the demander upon receiving the energy proposal from the enterprise (C. 12, L. 49-51), which obviously indicates resetting the previously presented load pattern by the demander (See a discussion above).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3629

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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11/02/2004